

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PHIL SILOS,

Plaintiff,

v.

UNION PACIFIC RAILROAD CO.,

Defendant.

8:23CV113

ORDER

This matter is before the Court on defendant Union Pacific Railroad Co.’s (“Union Pacific”) Motion for Reassignment (Filing No. 12). Union Pacific seeks reassignment of the case to a “District Court Judge,” complaining that the case is not related to any other pending or closed case in this Court. Specifically, Union Pacific states the case is not related to *Harris v. Union Pacific Railroad Co.*, 8:16CV381. The undersigned, as Chief Judge of this Court, previously found that a number of other cases identified as related were not, in fact, related under the Court’s general rule. *See* NEGenR 1.4(a)(4)(C)(iii). *See also* *Howard v. Union Pacific Railroad Co.*, 8:21CV396, *Bingham v. Union Pacific Railroad Co.*, 8:22CV118, *Howard v. Union Pacific Railroad Co.*, 8:22CV130, and *Jolivet v. Union Pacific Railroad Co.*, 8:22CV207.

The current motion seeks the intervention of the Chief Judge to rectify the filing of the instant case as related. The trouble is, plaintiff’s counsel, after filing this matter as related, filed a Notice of Filing Corrected Civil Cover Sheet (Filing No. 5) indicating that the matter was not related to 8:16CV381. As a result, the matter was handled in accordance with NEGenR 1.4(a)(2) and NECivR 73.1(a) and a random draw was conducted.

Magistrate Judge Michael D. Nelson was randomly assigned to the case for disposition. Pursuant to NEGenR 1.4(a)(3)(C)(ii), “[T]he clerk is authorized to reassign a civil case to . . . a randomly-drawn district judge when the case was originally assigned to

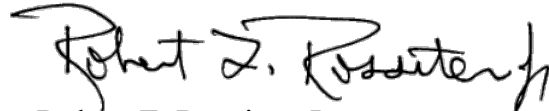
a magistrate judge as the presiding judge and all parties do not timely consent in writing to the disposition of the case a magistrate judge.” *See also* NECivR 73.1(a).

It is unclear whether Union Pacific is seeking reassignment due to a mistaken belief that this matter is currently assigned as a related case or if this is meant as an election for reassignment to a district judge under NECivR 73.1(a)(2). If either party does not consent to Magistrate Judge Nelson presiding on this case, they should follow NECivR 73.1(a) and NEGenR 1.4(a)(2). In any event, this matter did not require Chief Judge intervention. Union Pacific’s current Motion for Reassignment (Filing No. 12) is denied.

IT IS SO ORDERED.

Dated this 2nd day of May 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge